

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**M. KATHLEEN MCKINNEY,  
Regional Director of Region 15 of the  
National Labor Relations Board, for and on behalf of  
NATIONAL LABOR RELATIONS BOARD**

**PETITIONER**

**v.**

**CASE NO. 4:15CV00367 BSM**

**THE RETZER GROUP, INC.**

**RESPONDENT**

**MOTION FILED PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 65(b)(4)**

Comes **The Retzer Group, Inc.**, (hereinafter referred to as “Retzer”) by and through its attorneys, **Ramsay, Bridgforth, Robinson and Raley LLP**, and for its Motion Filed Pursuant to Federal Rule of Civil Procedure 65(b)(4) submits the following:

Undersigned counsel received via email a copy of the Temporary Injunction entered in this matter on June 24, 2015. Apparently, this Temporary Injunction was entered without issuing notice to Retzer that a temporary restraining order under Rule 65(b) was being sought.

Additionally, the Petition filed by Ms. McKinney does not contain any certification from the attorney from the National Labor Relations Board (hereinafter referred to as “NLRB”) about any efforts made to give notice to Retzer that an ex parte temporary restraining order was to be sought nor is there any certification in the Petition citing any reasons why notice to Retzer before an ex parte temporary restraining order was entered should not be required.

Retzer hereby moves to dissolve the Order on the basis that a temporary restraining order entered ex parte was not requested, nor is it justified in this case. Further, the requirements of Federal Rule of Civil Procedure 65(b)(1)(B) were not followed.

**WHEREFORE**, The Retzer Group, Inc. moves that the Temporary Injunction be dissolved.

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Respectfully submitted,

/s/ Spencer F. Robinson  
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AND RALEY LLP**  
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Attorneys for The Retzer Group, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of June, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/EMF system, which shall send notification of such filing to the following:

Ms. Jacqueline Rau  
National Labor Relations Board  
Region 15  
425 W. Capitol Ave., Ste. 1615  
Little Rock, AR 72201-3453

/s/ Spencer F. Robinson  
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